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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,592	02/21/2001	Hidetoshi Iwasaki	203518US2S	8767

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EXAMINER

NG, CHRISTINE Y

ART UNIT PAPER NUMBER

2663

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/788,592	Applicant(s) IWASAKI ET AL.	
	Examiner Christine Ng	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,678,250 to Grabelsky et al.

Grabelsky et al disclose in Figure 1 nodes (Gateways 20-23) which are connected via a communication circuit (PSTN 16) and constitute a network (Packet network 30) and which transmit communication data over the network (Packet network 30). Refer to Column 4, lines 4-11. Each of the nodes (Gateways 20-23) comprises:

Performance data generating means (Database 14) for measuring individual data items about the monitoring items defined for a plurality of objects (Figure 3, Elements 45-50) to be measured according to a specific schedule and, on the basis of the result of the measurement, creating performance data (Sender reports SRs and Receiver reports RRs). Each gateway 20-23 includes “a database 14 to collect and maintain network performance information...” (Column 5, lines 55-57) and to generate periodic SRs and RRs that “carry information that characterize packet delivery conditions on the

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network carrying the RTP traffic" (Column 6, lines 10-17). Refer to Column 9, lines 61-67.

Message creating means (Figure 3, RTCP) for dividing the data items forming said performance data (SRs and RRs) into the parts common (Figure 3, Fields 41 and 44) to the individual pieces of performance data (SRs and RRs) and the parts not common (Figure 3, Fields 45-50) to the individual pieces of performance data (SRs and RRs), and adding a plurality of non-common parts (Fields 45-50 of RRs 42,43) to one common part (Fields 41 and 44) to create a performance data message (Figure 3).

"Multiple RTCP reception report blocks 42,43 can be sent together as part of a compound RTCP 40 within a single packet..." (Column 6, lines 44-47). The reception report block 42,43 carries data that describes statistical properties of the RTP packets it is receiving, as defined in fields 45-50 of the RTCP packet 40. Each RTCP packet 40 also contains a fixed header 41 and sender information block 44. Refer to Column 6, line 40 to Column 7, line 41.

3. Claim 15 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,765,864 to Natarajan et al.

Natarajan et al disclose in Figure 2 in a transmission system including a plurality of nodes (Elements 204A/B, 208A/B) and a supervisory control device (Elements 252, 254, 260, 262 and 270) for managing a network composed of these nodes (Elements 204A/B, 208A/B), each of said nodes (Elements 204/B, 208A/B) comprising:

Performance data generating means (Monitor/agent, not shown) for measuring individual data items about the monitoring items defined for a plurality of objects (CIR,

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EIR, Bc, Be, congestion indicators, number of packets dropped, queue length) to be measured according to a specific schedule (when the operation of the network element has been affected) and, on the basis of the result of the measurement, creating performance data. Refer to Column 7, line 50 to Column 8, line 14 and Column 8, line 46 to Column 9, line 22.

Notifying means (Monitor/agent, not shown) for notifying the performance data created by the performance data generating means (Monitor/agent, not shown) to said supervisory control device (Elements 252, 254, 260, 262 and 270). The monitor/agent is used for monitoring, measuring and/or computing information and for reporting this information to the data store 252. Refer to Column 8, lines 60-66.

Timing setting means (Event handler 274) for setting the timing for the notifying means (Monitor/agent, not shown) to notify performance data for each piece of performance data according to the configuration information about its own device. The monitor/agent reports the performance data to the data store 252 and policy agent 254; the policy agent then updates the information to affect the operation of the network element. When the information is updated, the event handler 274 notifies the network element of the updated information; the network element then measures the performance data again to report updated performance information to data store 252 and policy agent 254. Refer to Column 7, line 50 to Column 8, line 14; Column 10, lines 58-62; Column 11, lines 32-49; and Column 22, lines 23-35.

Allowable Subject Matter

4. Claims 1-13 are allowed.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (703) 305-8395. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Chau can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng
August 11, 2004



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600